

Calendar No. 642

107TH CONGRESS
2^D SESSION**S. 1988**

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2002

Ms. LANDRIEU (for herself, Mr. BREAU, Mr. COCHRAN, Mr. CRAIG, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Buffalo Soldier Com-
5 memoration Act of 2002”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the 9th and 10th Cavalry regiments and the
4 24th and 25th Infantry regiments, comprised of Af-
5 rican-American soldiers referred to as “Buffalo Sol-
6 diers”, performed outstanding service to the United
7 States during—

8 (A) the Indian Wars;

9 (B) the Spanish-American War;

10 (C) the Philippine Insurrection; and

11 (D) the raids against Poncho Villa;

12 (2) in recognition of the contributions of the
13 Buffalo Soldiers to the defense of the United States;
14 soldiers in the 9th and 10th Cavalry regiments were
15 awarded 20 individual Congressional Medals of
16 Honor;

17 (3) the Buffalo Soldiers established a rich tradi-
18 tion of professional African-American soldiers in the
19 United States Army by granting a commission—

20 (A) in the 10th Cavalry regiment, to the
21 first African-American professional officer; and

22 (B) in the 9th Cavalry regiment, to the
23 first African-American graduates of West Point;

24 (4) while the Buffalo Soldiers served the United
25 States with bravery and fortitude in the harshest en-
26 vironments and under the most difficult conditions;

1 the service of the Buffalo Soldiers has not been suf-
 2 ficiently memorialized;

3 ~~(5) the Buffalo Soldiers remain emblems of the~~
 4 ~~work of free men in defense of the United States~~
 5 ~~and should be recognized for their contributions; and~~

6 ~~(6) because 2 of the 4 African-American regi-~~
 7 ~~ments were organized in the State of Louisiana and~~
 8 ~~were initially comprised of recruits from the city of~~
 9 ~~New Orleans; the State of Louisiana is an appro-~~
 10 ~~prate place to establish a memorial to recognize the~~
 11 ~~contributions of the Buffalo Soldiers.~~

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 ~~(1) BUFFALO SOLDIER.—The term “Buffalo~~
 15 ~~Soldier” means an African-American soldier that~~
 16 ~~served in—~~

17 ~~(A) the 9th Cavalry regiment;~~

18 ~~(B) the 10th Cavalry regiment;~~

19 ~~(C) the 24th infantry regiment; or~~

20 ~~(D) the 25th infantry regiment.~~

21 ~~(2) CITY.—The term “city” means the city of~~
 22 ~~New Orleans, Louisiana.~~

23 ~~(3) COMMISSION.—The term “Commission”~~
 24 ~~means the American Battle Monuments Commission.~~

1 (4) FUND.—The term “Fund” means the fund
2 for the memorial established under section 5(a).

3 (5) MEMORIAL.—The term “memorial” means
4 the memorial established under section 4(a).

5 (6) MUSEUM.—The term “museum” means the
6 Louisiana State Museum in the State.

7 (7) STATE.—The term “State” means the State
8 of Louisiana.

9 **SEC. 4. ESTABLISHMENT OF MEMORIAL.**

10 (a) IN GENERAL.—Notwithstanding subsections (b)
11 and (c) of section 3 of the Commemorative Works Act (40
12 U.S.C. 1003(b),(c)), the Commission may establish a me-
13 morial to honor the Buffalo Soldiers—

14 (1) on Federal land in the city or its environs;
15 or

16 (2) on land donated by the city or the State.

17 (b) COMPLIANCE WITH THE COMMEMORATIVE
18 WORKS ACT.—Except as provided in subsection (a), the
19 establishment of the memorial shall be in accordance with
20 the Commemorative Works Act (40 U.S.C. 1001 et seq.).

21 (c) CONTRIBUTIONS.—The Commission shall solicit
22 and accept contributions for the memorial.

1 **SEC. 5. MEMORIAL FUND.**

2 (a) **ESTABLISHMENT.**—There is established in the
3 Treasury a fund to be used by the Commission to pay the
4 expenses incurred in establishing the memorial.

5 (b) **DEPOSITS IN THE FUND.**—The Commission shall
6 deposit in the Fund—

7 (1) amounts accepted by the Commission under
8 section 4(c); and

9 (2) interest and proceeds credited to the Fund
10 under subsection (d).

11 (c) **INVESTMENT OF AMOUNTS.**—The Secretary of
12 the Treasury shall invest such portion of the Fund that
13 is not, in the judgment of the Chairman of the Commis-
14 sion, required to meet current withdrawals. Investments
15 may be made only in—

16 (1) an interest-bearing obligation of the United
17 States; or

18 (2) an obligation guaranteed as to principal and
19 interest by the United States that the Chairman of
20 the Commission determines has a maturity suitable
21 for the Fund.

22 (d) **CREDITS TO FUND.**—The interest on, and pro-
23 ceeds from sale or redemption of, obligations held in the
24 Fund shall be credited to the Fund.

25 (e) **DEPOSIT OF EXCESS FUNDS.**—The Commission
26 shall transmit to the Secretary of the Treasury, for deposit

1 in the account provided for in section 8(b)(1) of the Com-
 2 memorative Works Act (40 U.S.C. 1008(b)(1)), the
 3 amount of any balance remaining in the Fund—

4 (1) after payment of all expenses of the estab-
 5 lishment of the memorial (including payment of the
 6 amount for maintenance and preservation required
 7 by section 8(b) of the Commemorative Works Act
 8 (40 U.S.C. 1008(b)); or

9 (2) on expiration of the authority for the memo-
 10 rial under section 10(b) of that Act (40 U.S.C.
 11 1010(b)).

12 **SEC. 6. MILITARY ARTIFACTS.**

13 (a) **AUTHORITY.**—The head of any Federal agency
 14 may transfer, loan, or otherwise provide to the museum
 15 any military artifact, memorabilia, or other material that
 16 the agency head and the Commission consider to be appro-
 17 priate for a permanent display to memorialize, and edu-
 18 cate the public regarding, the contributions of the Buffalo
 19 Soldiers.

20 (b) **DISPLAY.**—

21 (1) **IN GENERAL.**—The museum may display at
 22 the museum any artifact, memorabilia, or other ma-
 23 terial transferred, loaned, or provided to the mu-
 24 seum under subsection (a).

1 (2) ~~TERMS AND CONDITIONS.~~—The display of
 2 the artifact, memorabilia, or other material under
 3 paragraph (1) shall be in accordance with any terms
 4 or conditions imposed by the agency head transfer-
 5 ring, loaning, or providing the artifact, memorabilia,
 6 or material.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
 9 as are necessary to carry out this Act.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Buffalo Soldier Com-*
 12 *memoration Act of 2002”.*

13 **SEC. 2. FINDINGS.**

14 *Congress finds that—*

15 *(1) the 9th and 10th Cavalry regiments and the*
 16 *24th and 25th Infantry regiments, comprised of Afri-*
 17 *can-American soldiers referred to as “Buffalo Sol-*
 18 *diers”, performed outstanding service to the United*
 19 *States during—*

20 *(A) the Indian Wars;*

21 *(B) the Spanish-American War;*

22 *(C) the Philippine Insurrection; and*

23 *(D) the raids against Poncho Villa;*

24 *(2) in recognition of the contributions of the Buf-*
 25 *falo Soldiers to the defense of the United States, sol-*

1 *diers in the 9th and 10th Cavalry regiments were*
2 *awarded 20 individual Congressional Medals of*
3 *Honor;*

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5 *tion of professional African-American soldiers in the*
6 *United States Army by granting a commission—*

7 *(A) in the 10th Cavalry regiment, to the*
8 *first African-American professional officer; and*

9 *(B) in the 9th Cavalry regiment, to the first*
10 *African-American graduates of West Point;*

11 *(4) while the Buffalo Soldiers served the United*
12 *States with bravery and fortitude in the harshest en-*
13 *vironments and under the most difficult conditions,*
14 *the service of the Buffalo Soldiers has not been suffi-*
15 *ciently memorialized;*

16 *(5) the Buffalo Soldiers remain emblems of the*
17 *work of free men in defense of the United States and*
18 *should be recognized for their contributions; and*

19 *(6) because 2 of the 4 African-American regi-*
20 *ments were organized in the State of Louisiana and*
21 *were initially comprised of recruits from the city of*
22 *New Orleans, the State of Louisiana is an appro-*
23 *priate place to establish a memorial to recognize the*
24 *contributions of the Buffalo Soldiers.*

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2 *In this Act:*

3 (1) *BUFFALO SOLDIER.*—*The term “Buffalo Sol-*
 4 *dier” means an African-American soldier that served*
 5 *in—*

6 (A) *the 9th Cavalry regiment;*

7 (B) *the 10th Cavalry regiment;*

8 (C) *the 24th infantry regiment; or*

9 (D) *the 25th infantry regiment.*

10 (2) *CITY.*—*The term “city” means the city of*
 11 *New Orleans, Louisiana.*

12 (3) *COMMISSION.*—*The term “Commission”*
 13 *means the American Battle Monuments Commission.*

14 (4) *FUND.*—*The term “Fund” means the fund*
 15 *for the memorial established under section 5(a).*

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 19 *Louisiana State Museum in the State.*

20 (7) *STATE.*—*The term “State” means the State*
 21 *of Louisiana.*

22 **SEC. 4. ESTABLISHMENT OF MEMORIAL.**

23 (a) *IN GENERAL.*—*The Commission may establish a*
 24 *memorial to honor the Buffalo Soldiers—*

25 (1) *on Federal land in the city or its environs;*

26 *or*

1 (2) *on land donated by the city or the State.*

2 (b) *MANAGEMENT.—The memorial shall be managed—*

3 (1) *if the memorial is established on Federal*
4 *land under subsection (a)(1), by the Director of the*
5 *National Park Service; or*

6 (2) *if the memorial is established on land do-*
7 *nated by the city or the State under subsection (a)(2),*
8 *by the State.*

9 (c) *CONTRIBUTIONS.—The Commission shall solicit*
10 *and accept contributions sufficient for the construction and*
11 *maintenance of the memorial.*

12 **SEC. 5. MEMORIAL FUND.**

13 (a) *ESTABLISHMENT.—There is established in the*
14 *Treasury a fund to be used by the Commission to pay the*
15 *expenses incurred in establishing the memorial.*

16 (b) *DEPOSITS IN THE FUND.—The Commission shall*
17 *deposit in the Fund—*

18 (1) *amounts accepted by the Commission under*
19 *section 4(c); and*

20 (2) *interest and proceeds credited to the Fund*
21 *under subsection (d).*

22 (c) *INVESTMENT OF AMOUNTS.—The Secretary of the*
23 *Treasury shall invest such portion of the Fund that is not,*
24 *in the judgment of the Chairman of the Commission, re-*

1 *quired to meet current withdrawals. Investments may be*
 2 *made only in—*

3 *(1) an interest-bearing obligation of the United*
 4 *States; or*

5 *(2) an obligation guaranteed as to principal and*
 6 *interest by the United States that the Chairman of*
 7 *the Commission determines has a maturity suitable*
 8 *for the Fund.*

9 *(d) CREDITS TO FUND.—The interest on, and proceeds*
 10 *from sale or redemption of, obligations held in the Fund*
 11 *shall be credited to the Fund.*

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13 *(a) AUTHORITY.—The head of any Federal agency*
 14 *may transfer, loan, or otherwise provide to the museum any*
 15 *military artifact, memorabilia, or other material that the*
 16 *agency head and the Commission consider to be appropriate*
 17 *for a permanent display to memorialize, and educate the*
 18 *public regarding, the contributions of the Buffalo Soldiers.*

19 *(b) DISPLAY.—*

20 *(1) IN GENERAL.—The museum may display at*
 21 *the museum any artifact, memorabilia, or other mate-*
 22 *rial transferred, loaned, or provided to the museum*
 23 *under subsection (a).*

24 *(2) TERMS AND CONDITIONS.—The display of the*
 25 *artifact, memorabilia, or other material under para-*

1 *graph (1) shall be in accordance with any terms or*
2 *conditions imposed by the agency head transferring,*
3 *loaning, or providing the artifact, memorabilia, or*
4 *material.*

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated such sums as*
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